

The only issue before the Board is the nature and extent of claimant's injury and disability. The Administrative Law Judge found that claimant was entitled to temporary benefits, including medical treatment, for the aggravation of his asthma on April 26, 2002. However, the Administrative Law Judge found that claimant failed to prove that he suffered any permanent aggravation of his preexisting asthmatic condition as a result of the work exposures on the above date.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire evidentiary file contained herein, the Board finds the Award of the Administrative Law Judge should be affirmed.

Claimant suffered accidental injury on April 26, 2000, when he and coworkers encountered a fog of particles as they were leaving a break room in respondent's warehouse. Claimant testified he detected an odor of solvent or glue associated with the fog and was told to leave the work area. However, before claimant could leave, he lost consciousness. Claimant was taken to the hospital by ambulance and administered nitroglycerin and asthma treatment, both in the ambulance and at the hospital, to assist his breathing. Claimant was monitored at the hospital and released from the emergency room and returned to his job that same day.

Claimant testified, however, he was unable to continue working that day, as he was having difficulty breathing. Claimant ultimately went home.

Claimant has been examined and/or treated by numerous doctors since his exposure. Among those who examined and/or treated claimant were two pulmonary specialists. Daniel C. Doornbos, M.D., board certified in internal medicine, pulmonary medicine and critical care medicine, examined claimant on May 23, 2000. Mark Alan Myers, M.D., board certified in internal medicine with a subspecialty in pulmonary medicine, examined claimant on September 19, 2000. The histories provided to both Dr. Myers and Dr. Doornbos directly conflict with the medical reports of claimant's family physician, David Caughell, M.D. Dr. Caughell's records indicate claimant had been receiving Claritin for allergy and asthma problems for several years prior to the accident. Claimant had also been receiving off-and-on treatment for chest pains, viral encephalitis and pericarditis. Claimant had been provided treatment by Dr. Caughell as recently as January 1999 for his asthma, including prescribing the use of an inhaler. Claimant denied experiencing preexisting migraine headaches when he talked to both Dr. Doornbos and Dr. Myers. This testimony was again contradicted by the records of Dr. Caughell, who was treating claimant for migraine headaches in March 1999 and before.

The numerous tests performed by Dr. Doornbos and Dr. Myers resulted in normal pulmonary function findings. Claimant's lungs were clear, with good air entry and exit, and no wheezing, crackling or rhonchi. A pulmonary function test performed on May 23, 2000, under the supervision of Dr. Doornbos, which Dr. Doornbos identified as "the single most accurate way to gauge the degree of bronchospasm or respiratory limitation that may be present, particularly in an asthmatic," resulted in findings of only mild obstructive ventilatory defect without significant reversibility following bronchodilators. Dr. Doornbos acknowledged claimant had mild asthma, which had been slightly aggravated on the date of accident. However, Dr. Doornbos stated that any aggravation would have been only temporary. Dr. Myers also found claimant's examination to be unremarkable, with clear

lung fields and no evidence of any discernable difficulties or airflow obstruction. The pulmonary function studies reviewed by Dr. Myers indicated that claimant had a small airway dysfunction with some bronchodilator response, but no permanent impairment as a result of the exposure of April 26, 2000.

Allen J. Parmet, M.D., a board certified physician in aerospace medicine and occupational medicine, testified that the chemical compounds claimant was exposed to were not of sufficient strength or of sufficient length of exposure to cause any permanent damage. This testimony, when coupled with the testimony of Drs. Doornbos and Myers, convinces the Board that claimant's exposure on April 26, 2000, resulted in only temporary exacerbations of claimant's preexisting conditions. The Board, therefore, finds that the Award of the Administrative Law Judge granting claimant temporary benefits, but denying claimant any permanent partial disability, should be affirmed.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Jon L. Frobish dated March 22, 2002, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of April 2003.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Kevin T. Stamper, Attorney for Claimant
Gary K. Albin, Attorney for Respondent
Jon L. Frobish, Administrative Law Judge
Director, Division of Workers Compensation